IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE V.K.MOHANAN

MONDAY, THE 20TH AUGUST 2007 / 29TH SRAVANA 1929

WA.No. 1974 of 2007()

AGAINST THE JUDGEMENT IN WPC.35995/2005 Dated 13/04/2007
.....

APPELLANT: RESPONDENTS 1,2,3,4 AND 6:
---

1. STATE OF KERALA,
REPRESENTED BY ITS CHIEF SECRETARY,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE PRINCIPAL SECRETARY TO THE
INDUSTRIES DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

3. THE SECRETARY TO GOVERNMENT,
BUREAU OF PUBLIC ENTERPRISE,GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM.

4. THE SECRETARY,
ENTERPRISES REFORMS COMMITTEE AND SOCIAL
SAFETYNETS STEERING COMMITTEE, 5TH FLOOR,
C.M.C. BUILDING, C.V.RAMAN PILLAI ROAD, THYCAUD,
THIRUVANANTHAPURAM.

5. THE SECRETARY,
PUBLIC SECTOR RESTRUCTURING & INTERNAL AUDIT BOARD
(RIAB), 5TH FLOOR,C.M.D. BUILDING,C.V.RAMAN PILLAI
ROAD, THYCAUD, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER K.SANDESH RAJ

RESPONDENTS: PETITIONER AND RESPONDENTS 5 & 7:
---

1. THANKAMANI K., OPERATOR,
KERALA SOAPS & OILS LTD.,WEST HILL, KOZHIKODE.

2. A.K. SOBHANA, OPERATOR,
KERALA SOAPS & OILS LTD.,WEST HILL, KOZHIKODE.

3. P. SIVAN, OPERATOR,
KERALA SOAPS & OILS LTD.,WEST HILL, KOZHIKODE.

4. K. BABU, OPERATOR,
KERALA SOAPS & OILS LTD.,WEST HILL, KOZHIKODE.

5. SADASIVAN N.P., OPERATOR,
KERALA SOAPS & OILS LTD.,WEST HILL, KOZHIKODE.

6. P.T. GIRISH KUMAR, OPERATOR,
KERALA SOAPS & OILS LTD.,WEST HILL, KOZHIKODE.

7. N. SUNDARAN, OPERATOR,
KERALA SOAPS & OILS LTD.,WEST HILL, KOZHIKODE.

8. ARAVINDAKSHAN A., OPERATOR,
KERALA SOAPS & OILS LTD.,WEST HILL, KOZHIKODE.

9. RADHAKRISHNAN T., OPERATOR,
KERALA SOAPS & OILS LTD.,WEST HILL, KOZHIKODE.

10. GURUSWAMY, OPERATOR,
KERALA SOAPS & OILS LTD.,WEST HILL, KOZHIKODE.

11. T.E. MOHANAN, OPERATOR,
KERALA SOAPS & OILS LTD.,WEST HILL, KOZHIKODE.

12. M. SIVADASAN, OPERATOR,
KERALA SOAPS & OILS LTD.,WEST HILL, KOZHIKODE.

13. P. MOHANAN, OPERATOR,
KERALA SOAPS & OILS LTD.,WEST HILL, KOZHIKODE.

14. P. ARAVINDAKSHAN, OPERATOR,
KERALA SOAPS & OILS LTD.,WEST HILL, KOZHIKODE.

15. P. ASHOK KUMAR, OPERATOR,
KERALA SOAPS & OILS LTD.,WEST HILL, KOZHIKODE.

16. NARAYANAN P., OPERATOR,
KERALA SOAPS & OILS LTD.,WEST HILL, KOZHIKODE.

17. GOPALAKRISHNAN C., OPERATOR,
KERALA SOAPS & OILS LTD.,WEST HILL, KOZHIKODE.

18. NAYADI P., OPERATOR,
KERALA SOAPS & OILS LTD.,WEST HILL, KOZHIKODE.

19. SURENDRAN K.V., OPERATOR,
KERALA SOAPS & OILS LTD.,WEST HILL, KOZHIKODE.

20. AJITHKUMARI K., OPERATOR,
KERALA SOAPS & OILS LTD.,WEST HILL, KOZHIKODE.

21. PATHUMMEI N.P., OPERATOR,
KERALA SOAPS & OILS LTD.,WEST HILL, KOZHIKODE.

22. SATHEEDEVI C., OPERATOR,
KERALA SOAPS & OILS LTD.,WEST HILL, KOZHIKODE.

23. RAJADASAN G.M., OPERATOR,
KERALA SOAPS & OILS LTD.,WEST HILL, KOZHIKODE.

24. T. MOHANAN, OPERATOR,
KERALA SOAPS & OILS LTD.,WEST HILL, KOZHIKODE.

25. SIVANANDAN E., OPERATOR,
KERALA SOAPS & OILS LTD.,WEST HILL, KOZHIKODE.

26. SREEKUMARAN N.T., OPERATOR,
KERALA SOAPS & OILS LTD.,WEST HILL, KOZHIKODE.

27. V.S.R. KRISHNAN, OPERATOR,
KERALA SOAPS & OILS LTD.,WEST HILL, KOZHIKODE.

28. E.K. VIJAYAN, OPERATOR,
KERALA SOAPS & OILS LTD.,WEST HILL, KOZHIKODE.

29. K.M. MOHAMMED, OPERATOR,
KERALA SOAPS & OILS LTD.,WEST HILL, KOZHIKODE.

30. T.V. PURUSHOTHAMAN, OPERATOR,
KERALA SOAPS & OILS LTD.,WEST HILL, KOZHIKODE.

31. SURESH BABU M.T., OPERATOR,
KERALA SOAPS & OILS LTD.,WEST HILL, KOZHIKODE.

32. THOMAS K.VARGHESE, OPERATOR,
KERALA SOAPS & OILS LTD.,WEST HILL, KOZHIKODE.

33. P.M. RAMACHANDRAN, OPERATOR,
KERALA SOAPS & OILS LTD.,WEST HILL, KOZHIKODE.

34. K. SOBHANA, OPERATOR,
KERALA SOAPS & OILS LTD.,WEST HILL, KOZHIKODE.

35. T. MURALIDHARAN, OPERATOR,
KERALA SOAPS & OILS LTD.,WEST HILL, KOZHIKODE.

36. M.V. MADHUSUDANAN, OPERATOR,
KERALA SOAPS & OILS LTD.,WEST HILL, KOZHIKODE.

37. T. ISMAIL, OPERATOR,
KERALA SOAPS & OILS LTD.,WEST HILL, KOZHIKODE.

38. M. RAVEENDRAN, OPERATOR,
KERALA SOAPS & OILS LTD.,WEST HILL, KOZHIKODE.

39. SELVARAJ V., OPERATOR,
KERALA SOAPS & OILS LTD.,WEST HILL, KOZHIKODE.

40. SATHYAN K., OPERATOR,
KERALA SOAPS & OILS LTD.,WEST HILL, KOZHIKODE.

41. SATHEESAN P., OPERATOR,
KERALA SOAPS & OILS LTD.,WEST HILL, KOZHIKODE.

42. P. JALEEL, OPERATOR,
KERALA SOAPS & OILS LTD.,WEST HILL, KOZHIKODE.

43. P.V. BHASKARAN, OPERATOR,
KERALA SOAPS & OILS LTD.,WEST HILL, KOZHIKODE.

44. S. ASHRAF, OPERATOR,
KERALA SOAPS & OILS LTD.,WEST HILL, KOZHIKODE.

45. M.K. SUDHEESH KUMAR, OPERATOR,
KERALA SOAPS & OILS LTD.,WEST HILL, KOZHIKODE.

46. M. CHANDRAN, OPERATOR,
KERALA SOAPS & OILS LTD.,WEST HILL, KOZHIKODE.

47. N.P. BALAKRISHNAN, OPERATOR,
KERALA SOAPS & OILS LTD.,WEST HILL, KOZHIKODE.

48. K. FATHIMA, OPERATOR,
KERALA SOAPS & OILS LTD.,WEST HILL, KOZHIKODE.

49. PREMARAJ V.V., OPERATOR,
KERALA SOAPS & OILS LTD.,WEST HILL, KOZHIKODE.

50. P.R. GOPINATHAN, OPERATOR,
KERALA SOAPS & OILS LTD.,WEST HILL, KOZHIKODE.

51. THE MANAGING DIRECTOR,
KERALA SOAPS & OILS LTD.,WEST HILL, KOZHIKODE.

52. THE FUND MANAGER,
KERALA INDUSTRIAL REVITALISATION FUND BOARD(KIRFB)
5TH FLOOR, C.M.D. BUILDING, C.V.RAMAN PILLAI RAOD,
THYCAUD, THIRUVANANTHAPURAM.

BY SRI.P.R.RAMACHANDRA MENON FOR R51
SRI.C.P.MOHANAN NAIR FOR R1 TO R50

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 20/08/2007, ALONG WITH WA.2000/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & V.K.MOHANAN, JJ

W.A. 1974/2007 & 2000/2007

Dated this the 20th day of August, 2007

JUDGMENT

Radhakrishnan, J

Learned Government Pleader placed reliance on the decision of the Apex Court reported in **A.K.Bindal and Another v. Union of India and Others (AIR 2003 SC 2189)** and submitted that the Government is not bound to honour the commitments of the company, even if it is Government owned. Further it was also stated that the State Government had paid an amount of Rs.5000/- to the employees. In such circumstances, we are inclined to stay the interim order and direct the registry to post the Writ Petition 35995/2005 immediately after Onam vacation, for final hearing.

K.S.RADHAKRISHNAN
Judge

V.K.MOHANAN
Judge

mrcs